

OFFICIAL COPY

Fresno, California

March 16, 1999

The Council of the City of Fresno met in regular session at the hour of 9:03 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Police Chaplain Dave McNeil gave the invocation.

Councilmember Boyajian led the Pledge of Allegiance to the Flag.

PROCLAMATION OF ASHLAN PARK SHOPPING CENTER DAY - PRESIDENT )  
STEITZ )

Read and presented.

PROCLAMATION OF NATIONAL AG WEEK - COUNCILMEMBER QUINTERO )

Read and presented.

PROCLAMATION OF CHARLES ALSTROM DAY - COUNCILMEMBER )  
BOYAJIAN )

Read and presented.

PROCLAMATION OF ROEDING ELEMENTARY SCHOOL DAY - COUNCIL- )  
MEMBER BOYAJIAN )

Read and presented.

PROCLAMATION OF JESSE QUINTANA DAY - ACTING PRESIDENT )  
MATHYS )

Read and presented.

PRESENTATION OF STUDENT OF THE QUARTER AWARDS )

Presented.

PROCLAMATION OF SAMUEL LEWIS (LEW) LITZIE, JR. DAY - COUNCIL- )  
MEMBER RONQUILLO )

Read and presented.

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APPROVE MINUTES OF MARCH 9, 1999 )

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, RESOLVED, the minutes of March 9, 1999, approved, as amended, on Page 133-133, 10:00 A.M. Item, 4th paragraph, clarifying Councilmember Bredefeld's statement with the underlined wording as follows: "Councilmember Bredefeld reiterated projects such as Copper River, Quail Lake and Brighton Crest should not have been approved and the County should direct growth to urban areas as they have said they want to do and explained."

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**APPROVE AGENDA:**

REQUEST FOR ORAL STATUS REPORT ON DOWNTOWN STADIUM )  
NEGOTIATIONS WITH FOLLOW-UP WRITTEN REPORT - PRESIDENT )  
STEITZ )

Report made by City Attorney Montoy who stated a recent progress report sent to Council outlined two serious issues relative to insuring private financing which had not been resolved to date, advised the Diamond Group was continuing to work with ACA to resolve those issues, and stated if the matter remained unchanged, staff would schedule the issue for Council direction on March 23<sup>rd</sup>.

REMINDER TO MADERA OF ONE YEAR AGREEMENT FOR FIRE SERVICES )  
AND NEED FOR MADERA TO PURCHASE THEIR OWN FIRE TRUCK - )  
COUNCILMEMBER PEREA )

Councilmember Perea stated he would schedule the issue on an upcoming agenda and stated he wanted it made clear Fresno should not be providing fire services to Madera County.

AMERICAN AMBULANCE REPORT ON RESPONSE TIME INCIDENT - )  
COUNCILMEMBER PEREA )

Councilmember Perea noted Fresno County's report on the incident was more telling than the glossed-over report from American Ambulance, stated the 95% response time provision was not acceptable and if American Ambulance could not deal with a 100% response, Council should consider staffing the city's fire stations with ambulances to they could also respond noting he might schedule this issue on the agenda.

REQUEST FOR UPDATE/STATUS REPORT ON DISPOSITION OF PROPERTY )  
ON VAN NESS AVENUE BETWEEN FRESNO AND MERCED STREETS - )  
COUNCILMEMBER PEREA )

Request made.

REQUEST FOR UPDATE/PROGRESS REPORT ON WATER TOWER RESTORA- )  
PROJECT - COUNCILMEMBER RONQUILLO )

Request made.

REQUEST FOR REPORT ON DOWNTOWN STADIUM ISSUES: (1) ENTIRE )  
AMOUNT CITY WILL PLEDGE WHEN BONDS ARE ISSUED; AND (2) WHAT )  
CITY ASSETS WILL BE USED TO BORROW BOND MONEY - ACTING )  
PRESIDENT MATHYS )

Upon question, City Manager Reid advised the total amount of bonded indebtedness would be between \$10 and \$10.5 million and explained, and stated assets would be primarily city fire stations and maybe some parks if necessary and explained.

(1A-6) AUTHORIZE ACQUISITION OF SEVEN AUTOMATIC EXTERNAL )  
DEFIBRILATOR UNITS FROM FIRST SAVE SURVIVAL, AS PER THE 2/27/99, )  
COUNCIL DIRECTION )

Moved to City Council Item 5B under Councilmember Quintero's name.

REQUEST FOR STAFF REPORT ON ACCUSATIONS THAT THE CITY OF IS )  
DELAYING THE REGIONAL MEDICAL CENTER PROJECT PER FRESNO BEE )  
ARTICLE - PRESIDENT STEITZ )

Request made.

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Councilmember Perea briefly left the meeting at 9:50 a.m.

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**ADOPT CONSENT CALENDAR:**

(1A-2) APPROVE AN AMENDMENT TO THE DESIGN AGREEMENT WITH )  
DALE RUTHERFORD, A.I.A. IN THE AMOUNT OF \$18,600 FOR REVISIONS )  
TO THE PLANS AND SPECIFICATIONS FOR THE RELOCATION OF THE )  
FUELING ISLAND AT THE WASTEWATER TREATMENT PLANT; AND )  
AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AMEND- )  
MENT ON BEHALF OF THE CITY )

(1A-5) RESOLUTION NO. 99-71 - APPROVING AMENDMENTS TO DOCU- )  
MENTS FOR MULTIFAMILY HOUSING REVENUE REFUNDING BONDS, )  
SERIES B, (MAPLE LEAF ONE ONE SIX APARTMENTS PROJECT) IN )  
CONNECTION WITH REMARKETING OF THE BONDS AND AUTHORI- )  
ZING RELATED ACTIONS, PROPERTY LOCATED AT 7150 AND 7190 N. )  
MAPLE AVENUE )

(2 - 0) On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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(9:30 A.M.) APPEARANCE BY COSTEL FUIOREA REQUESTING REZONING )  
OF PROPERTY LOCATED AT 533/543 E. SHIELDS AVENUE TO ALLOW FOR )  
A VOCATIONAL TRAINING SCHOOL FOR ELECTRONICS )

Mr. Fuiorea requested rezoning fees be absorbed and upon question of President Steitz, City Attorney Montoy advised fees could be absorbed under very limited circumstances wherein public findings needed to be made, and recommended the issue be referred to staff.

Mr. Fuiorea responded to Council questions relative to intersection nearest the property, current use of property, number of students at the vocational school, availability of parking, and when classes would be held and number of teachers.

City Manager Reid and Development Director Solis stated the subject property qualified for the Inner-City Fee Program and Mr. Fuiorea was eligible for a 75% fee reduction which would reduce the fee from \$11,630 to \$2,950. Upon question, Mr. Fuiorea stated he wanted to move forward with the fee reduction whereupon Mr. Solis advised staff would work with Mr. Fuiorea. No action was taken.

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**(9:35 A.M.)** APPEARANCE BY CHRISTY DENNIS, COMMUNITY OUTREACH )  
 DIRECTOR, RIVER PARKWAY TRUST, REQUESTING A WAIVER OF FEES )  
 FOR USE OF THE NEWLY EXPANDED CONVENTION CENTER )

Upon question of President Steitz, City Manager Reid stated fees were not yet established and staff would be submitting the fees during the budget process, and that Council action this date might entail grandfathering the Trust into any future fee.

Christy Dennis made the request, and along with Mary LaFollette and Ken Maul, spoke in support and outlined specifics of the elaborate first formal event on December 31<sup>st</sup> at the expanded exhibit hall.

Mr. Reid stated a consensus of Council's support for the request was needed for staff to work with the Trust, and brief discussion ensued on success of other Trust events, normal exhibit hall rental fees, specifics of the planned event, and various Councilmembers stating their support for the request. Councilmember Quintero, as the City member on the Convention and Visitors Bureau, requested he be included to work with staff on the fee issue. With Council consensus for support, staff to work with the Trust.

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**(9:45 A.M.)** PROCLAMATION OF NATIONAL SAFE PLACE WEEK )

Read and presented to Joe Martinez and committee members, a video presentation was played, and Council was invited to a designation on 3/17/99, of the Lowell Neighborhood Resource Center as a Safe Place. President Steitz requested a calendar of events and Councilmember Perea requested a copy of the videotape, if possible.

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**(10:00 A.M.)** HEARING ON FY 1999 WEED ABATEMENT PROGRAM )  
**1. RESOLUTION NO. 99-72** - APPROVING THE PROGRAM, AND DECLARING )  
 THAT DRY GRASS, WEEDS, TRASH, DEBRIS, AND OPEN VACANT )  
 STRUCTURES ON CERTAIN PROPERTIES POSE A SIGNIFICANT FIRE )  
 HAZARD AND BLIGHTING INFLUENCE IN THE CITY )

President Steitz announced the time had arrived to consider the issue and opened the hearing. Housing and Neighborhood Revitalization Director Quiring reviewed the staff report as submitted.

Upon call, no one wished to be heard and President Steitz closed the public testimony portion of the hearing.

Ms. Quiring responded to questions of Acting President Mathys relative to the noticing and notification processes, prior policy, and availability of list of contractors who could perform the work. Acting President Mathys requested staff provide a list of APN's by Council district so he could follow up with a courtesy call or notice to his constituents.

The public testimony portion of the hearing was reopened, and George Bramlett, property owner of two lots, questioned who would conduct inspections, with Ms. Quiring responding City code enforcement staff.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Councilmember Ronquillo commented on the success of enforcing illegal dumping, and upon question, Ms. Quiring responded contractors were assigned geographically. Councilmember Ronquillo requested staff provide the name of the contractor assigned to his district, commended staff, and urged staff to follow through with the process after one warning. A motion and second to adopt staff's recommendation was acted upon after brief comments.

Councilmember Perea commended staff and questioned why staff would expend additional time and make further attempts to notify property owners if they chose not to update their addresses **(3 - 0)** with Ms. Quiring responding, Councilmember Bredefeld commended the Mayor, City Manager and staff on the aggressive, pro-active approach and urged the weed abatement program be highlighted and publicized to show what the City was doing for clean up and beautification. Acting President Mathys noted there were private property rights and urged staff to make every effort to notify property owners.

On motion Councilmember Ronquillo, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-72 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(10:30 P.M.) HEARING ON PLAN AMENDMENT NO. A-98-24 AND** )  
**REZONING APPLICATION NO. R-98-41, FILED BY CENTRAL PACIFIC** )  
**BUILDERS, INC. AND THE CITY OF FRESNO, PROPERTY LOCATED** )  
**NORTH OF THE E. INTERNATIONAL AVENUE ALIGNMENT BETWEEN** )  
**THE ALIGNMENTS OF N. MAPLE AND N. MILLBROOK AVENUES** )  
**(CONTINUE TO MARCH 23, 1999, AT 4:00 P.M.)** )

President Steitz announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the hearing on Plan Amendment No. A-98-24 and Rezoning Application No. R-98-41, filed by Central Pacific Builders, Inc, and the City of Fresno, continued to March 23, 1999, at 4:00 p.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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Acting President Mathys acknowledged and introduced his visiting Aunt from Switzerland.

(2A) CONSIDER APPEAL OF DENIAL OF SITE PLAN REVIEW APPLICATION )  
NO. S-99-028, FIELD BY RICHARD AARON, PROPERTY LOCATED AT 7691 N. )  
KINCAID AS RELATED TO PROPOSED BUILDING SETBACK ADJACENT TO )  
THE SAN JOAQUIN RIVER BLUFF EDGE )  
1. RESOLUTION NO. 99-73 - APPROVING A REDUCED BUILDING SETBACK )  
FROM THE SAN JOAQUIN RIVER BLUFF EDGE PROPOSED BY S-99-028 )

Supervising Planner Haro reviewed the staff report as submitted, recommended the site plan be approved for a 15-foot building setback, and responded to Council questions relative to existing setback requirements, proposed use, and precedent-setting. A motion and second to approve staff's recommendation was acted upon after brief discussion, with Mr. Haro responding to additional questions relative to similar setbacks in the area and safety.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-73 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Perea
Absent	:	None

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**RECESS - 10:56 A.M. - 11:04 A.M.**

(11:00 A.M. #1) PROCLAMATION OF COSMO C. INSALACO DAY - )  
COUNCILMEMBER QUINTERO )

Read and presented.

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(11:00 A.M. #2) **CONTESTED CONSENT CALENDAR ITEMS:**

(1A-1) \*RESOLUTION - 13<sup>TH</sup> AMENDMENT TO PAR 98-160 ADDING AND )  
DELETING CERTAIN POSITIONS IN THE PARKS, RECREATION AND )  
COMMUNITY SERVICES DEPARTMENT (CONVERTING PERMANENT )  
INTERMITTENT (P.I.) RECREATION LEADER POSITIONS TO PERMANENT )  
FULL-TIME POSITIONS) )

City Attorney Montoy advised there was litigation between FCEA and the City relative to temporaries, and Councilmember Boyajian requested the issue be held over one week for scheduling in closed session for a briefing.

City Manager Reid stated staff's effort was to create some full-time recreation positions in the parks and was a good business action and explained, advised union representatives were frustrating the opportunity for their members to receive the benefits of full-time employment, and stated this action was costing general fund monies and if Council wanted to maintain the status quo those dollars could be spent elsewhere.

A motion and second to table the issue was acted upon after brief discussion.

Gene Zimmerman, FCEA, explained their position and spoke in support of the motion to table.

Mr. Reid and Parks and Recreation Director Primavera responded to Council questions relative to why the employees currently doing the work would not be grandfathered in, number of permanent-intermittent positions, abilities of employees, and interview and screening process the incumbent employees went through, with City Attorney Montoy advising discussion was moving in a direction beyond what was on the agenda and at issue.

On motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the subject issue tabled one week for scheduling in closed session and General Administration on the March 23<sup>rd</sup> agenda, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(1A-3)** APPROVE CONTRACT CHANGE ORDER NO. 5 WITH VULCAN )  
CONSTRUCTION AND MAINTENANCE, INC. FOR THE REQUIREMENTS )  
CONTRACT TO REPLACE POLYBUTYLENE WATER SERVICES WITHIN )  
THE CITY OF FRESNO )

Upon question of Councilmember Bredefeld, City Engineer Salazar clarified polybutylene water services were being replaced with a better and improved plastic product. Upon question of Councilmember Perea, City Attorney Montoy advised, relative to a similar matter, staff was working with contract counsel on the issue of pursuing a manufacturer for a failed project and she would provide a status report.

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, Contract Change Order No. 5 hereby approved, and the Public Works Director authorized to sign the change order on behalf of the City, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(1A-4)** AWARD A CONTRACT FOR TRAFFIC SIGNAL MODIFICATIONS AT )  
THE INTERSECTION OF CHESTNUT AND CHURCH AVENUES, AND CEDAR )  
AND DAKOTA AVENUES )

Upon the request of Councilmember Perea, City Engineer Salazar gave a brief status report on the Tulare-Helm traffic signal. Councilmember Perea made a motion to award the contract and commented briefly expressing his disappointment that the Tulare-Helm project had been funded in a previous fiscal year due to the fact three children had been injured at the site and was not yet completed, yet the subject projects were ready to go. A motion and second to award the project was acted upon after brief discussion.



A motion of Councilmember Perea, seconded by Councilmember Ronquillo, to close debate on the issue failed due to the requirement for a super-majority (2/3's) vote, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Ronquillo
Noes	:	Bredefeld, Quintero, Steitz
Absent	:	None

City Manager Reid reviewed the background of the issue, stated nothing inappropriate was happening, and advised the Tulare-Helm project, which was added to this year's budget, was one week behind projects that were funded for this fiscal year. President Steitz stated he was glad the subject projects were moving forward citing the very dangerous Cedar/Dakota intersection.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the contract for traffic signal modifications at the intersections of Chestnut and Church and Cedar and Dakota Avenues hereby awarded to A-C Electric in the amount of \$140,600, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(11:00 A.M. #3) STATUS REPORT ON NORTHWEST CIRCULATION PATTERN )**

Report made by Supervising Planner Beach, who then commenced with the second part of the item—the 11:00 a.m. #4 hearing **(4 - 0)**:

**(11:00 A.M. #4) HEARING ON REZONING APPLICATION NO. R-99-002, FILED )**  
**BY JAMES W. LOGAN ON BEHALF OF LAND DYNAMICS, PROPERTY )**  
**LOCATED NORTHWEST OF W. BARSTOW AND FREEWAY 99 )**  
**1. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/ )**  
**UGM TO R-2/UGM/cz (STAFF RECOMMENDATION) )**  
**2. BILL - AMENDING THE OFFICIAL ZONE MAP (APPLICANT REQUEST) )**

President Steitz announced the time had arrived to consider the issue and opened the hearing. Mr. Beach advised the applicant was requesting the requirement for the dedication of Grantland Avenue be waived and to defer the dedication until the western third of the property comes up for development; stated the code clearly identified Grantland Avenue as part of the parcel before Council this date and the need for the dedication was here now; and concluded stating staff wanted to secure as much of the right-of-way as possible at this time.

Jim Logan, representing Land Dynamics, spoke in support of the applicant's request which would delete a condition of zoning relative to the Grantland dedication stating it was not proper to request the dedication at this time and explained.

Jim McKelvey, Attorney, 1690 W. Shaw, representing Land Dynamics, spoke in support of the applicant's request adding the Grantland dedication was not necessary for the subject project and explained.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Acting President Mathys briefly commented on the need for the Grantland diagonal and the need for Council to move forward on the issue. Mr. Beach, Planner Unruh and City Manager Reid responded to Council questions relative to the zoning being requested, use previously approved, Grantland as a condition of the prior rezoning, if the issue was dedicating Grantland now or later, and the developer's willingness to make the dedication.

Acting President Mathys made a motion to adopt the applicant's request with the condition that the Grantland dedication would occur when the western most portion of the property is developed with a 3-year timeframe to develop, which was seconded by President Steitz for purposes of discussion, and subsequently withdrawn.

Councilmember Bredefeld noted the absence in staff's report of previously expressed concerns by agencies relative to school student capacity and traffic impacts, with Mr. Beach stating those concerns could be mitigated. Upon question, Mr. Beach stated presumably other deferral requests would be received by the other property owners if this one was granted which would impact the ability to complete the diagonal and severely complicate it. Councilmember Bredefeld stated for that reason and without staff successfully addressing the other concerns expressed, he would not support the deferral.

Extensive discussion ensued with Mr. Unruh, Mr. Reid and Mr. Beach responding to questions on code provision relative to imposing the dedication, commitment to prior rezoning, clarification on expiration of original R-2 zoning, timeline on Grantland diagonal project, possible funding sources, affect on delay of the dedication, staff's opinion on the applicant's request, and dedications by other property owners and options by the City if they don't.

City Attorney Montoy acknowledged the City Manager's statement that the previous zoning did expire, and requested the developer go on record and clarify if they will or will not dedicate when subsequent development occurs. Mr. McKelvey responded until Council decided what use would be allowed on the property, he could not say at this time if they would dedicate Grantland Avenue, and clarified at issue this date was a request for R-2 zoning. Ms. Montoy recommended the issue be referred back to staff for further negotiations, whereupon Acting President Mathys and President Steitz withdrew the motion and second.

Acting President Mathys expressed his concern that the staff report did not indicate the prior rezoning had expired and with the rezoning and deferral requests being combined, stated it sounded like the developer was willing to dedicate Grantland and noted some issues needed to be worked out, and made a motion to table the matter.

On motion of Acting President Mathys, seconded by President Steitz, duly carried, RESOLVED, Rezoning Application No. R-99-02 and Mitigated Negative Declaration No. A-98-07/R-98-09/R-99-02 hereby tabled for 30 days for further negotiations, by the following vote:

Ayes	:	Boyajian, Mathys, Quintero, Steitz
Noes	:	Bredefeld, Perea, Ronquillo
Absent	:	None

Councilmember Perea stated it still was unclear whether the developer would dedicate and requested clarification. Mr. McKelvey stated with the 19 acre development there would be a requirement to do something on

Grantland Avenue and depending on what that something was would depend on the extent of the development, i.e. if it was commercial, the requirement would be for dedication of the entire right-of-way **(5 - 0)**, clarifying they would dedicate whatever staff felt was appropriate at the time of development. Councilmember Ronquillo stated staff should take into consideration what uses would be allowed for all real estate attached to that future major avenue as far south as Shaw Avenue and do it all at the same time instead of piecemealing it. Councilmember Bredefeld requested staff include the information from Central Unified.

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**(11:30 A.M.) CONTINUED HEARING ON THE BEHYMER-CHESTNUT NO. 3B )**  
**REORGANIZATION FOR THE DETACHMENT OF 4.6 ACRES FROM THE )**  
**FRESNO COUNTY FIRE PROTECTION DISTRICT AND KINGS RIVER CONSER- )**  
**VATION DISTRICT, AND ANNEXATION OF THE SAME TERRITORY TO THE )**  
**CITY OF FRESNO )**  
**1. \*RESOLUTION NO. 99-74 - APPROVING THE BEHYMER-CHESTNUT NO. 3B )**  
**REORGANIZATION )**

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Beach advised after meeting with Mr. Mackay, the non-consenting property owner, an agreement had been reached and the protest withdrawn, and recommended adoption of the resolution.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-74 hereby adopted, and the Behymer-Chestnut No. 3B Reorganization allocated to District No. 6 in accordance with Fresno Municipal Code Section 2-208, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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Councilmember Ronquillo announced and invited Council and Agency Members to a press conference at 1:00 p.m. this date on the demolition of 20 structures for the Kearney Palms Shopping Center.

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**LUNCH RECESS- 12:27 P.M. - 2:08 P.M.**

**(3A) \*BILL NO. B-12 - AMENDING FRESNO MUNICIPAL CODE SECTION )**  
**2-1726 AND 2-1726(A), RELATING TO MANDATORY RETIREMENT AGE )**  
**PROCEDURE (OPTION 1) )**

**1. \*BILL NO. B-13 - AMENDING FRESNO MUNICIPAL CODE SECTION )**  
**2-1726 AND 2-1726(A), RELATING TO MANDATORY RETIREMENT AGE )**  
**PROCEDURE (OPTION 2) )**

President Steitz questioned Council's preference and a motion was made to adopt Option 2, which was seconded and acted upon after brief discussion. Upon question of Councilmember Perea, Labor Relations Manager Aguiniga clarified the provision for individual members to come before Council for extensions would be eliminated. Councilmembers Perea and Ronquillo expressed their opposition to Option 2 for that reason citing the need for citizen's safety and some type of standards. Brief discussion ensued with City Attorney Montoy clarifying the issue and City Manager Reid responding to a question relative to the Police Department's position.

A motion of Councilmember Boyajian, seconded by Councilmember Quintero, to adopt Option 2 failed, by the following vote:

Ayes	:	Boyajian, Mathys, Quintero
Noes	:	Bredefeld, Perea, Ronquillo
Absent	:	None
Abstain	:	Steitz

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**(3B) SELECT PARK DEVELOPMENT OPTION FOR FRESNO SANITARY )**  
**LANDFILL REGIONAL SPORTS COMPLEX PROJECT )**

Director of Public Utilities Rhinehart and Director of Parks and Recreation Primavera reviewed the staff report and options and responded to Council questions on the differences between the options, financing elements, and funding sources. Councilmember Ronquillo stated Council needed to look at the broader picture of what a fully developed park would bring to the city and made a motion to approve Option B, which was seconded and subsequently withdrawn. Acting President Mathys left the meeting at 2:27 p.m.

Extensive discussion ensued with Mr. Primavera, Mr. Rhinehart, City Manager Reid, City Attorney Montoy and Assistant Director of Public Utilities Anderson responding to questions relative to funding, generating funds to offset costs, timeline, funding for a fully developed park, staff analysis on a constructing a fully developed park, type of bonds that would be used, other potential uses of those bonds, mandate for landfill closure, support for Option A from a legal standpoint, increase in user fees with Option B, hazardous concerns, consideration of other options instead of a sports complex, past Council direction on the matter, reserve funds, affect on rate increases, **(6 - 0)** closing the landfill only, EPA's clean up mandate and position on the sports complex, capping off the site and contracting the project out, and a prior proposal from Joe Williams.

Mr. Reid responded to Councilmember Perea's comments relative to simply closing the landfill at \$24 and advised of the EPA's nine-month extension to design the complex and pressures that would be faced if Council chose that option. Councilmember Ronquillo commented on concerns expressed relative to cost and increase in user fees with Option B and recommended if Council approved Option A, that staff include in the plans future needed infrastructure to avoid costs associated with future replanting, and concluded stating he still felt Option B was feasible and if necessary at a later time, Council could always retreat.

A motion to close debate was made. President Steitz stated his support for Option A and his opposition to Option B citing the current indebtedness of the City. Councilmember Ronquillo withdrew his motion for Option B and made a motion to approve Option A.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff authorized to advertise bids for the regional sports complex as a partially developed park (Option A) with add/alternates not to exceed the \$7,900,000 currently appropriated; the Director of Parks, Recreation and Community Services directed to use his best efforts to solicit financing for any improvements which cannot be funded within the \$7,900,000; and the City Attorney directed to prepare the appropriate legal document(s) setting for the obligations of the Solid Waste Fund and the General Fund, and the Directors of Parks, Recreation and Community Services and Public Utilities authorized to execute all documents on behalf of the City, by the following vote:

Ayes	:	Boyajian, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Perea
Absent	:	Mathys

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**(5A) \*RESOLUTION NO. 99-75 - 77<sup>TH</sup> AMENDMENT TO AAR 98-159 APPRO-** )  
**PRIATING \$200.00 FROM DISTRICT 2's GENERAL INFRASTRUCTURE** )  
**CAPITAL BUDGET TO SPONSOR THE FIG GARDEN YOUTH SOCCER** )  
**LEAGUE - ACTING PRESIDENT MATHYS** )

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 99-75 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

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**(1A-6) AUTHORIZE ACQUISITION OF SEVEN AUTOMATIC EXTERNAL** )  
**DEFIBRILATOR UNITS FROM FIRST SAVE SURVIVAL, AS PER THE 2/27/99,** )  
**COUNCIL DIRECTION** )

Councilmember Quintero clarified the acquisition was previously authorized and the reason for scheduling the issue this date was to authorize the purchase from First Save Survival, Inc., the company that made the presentation. Acting President Mathys returned to the meeting at 3:12 p.m.

bidding this time but could possibly in the future as other city departments were interested in having the units, and upon further question, stated it was his understanding the units were Y2K compliant but he would check.

By unanimous Council consent, acquisition of the units from First Save Survival was authorized.

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The City Council recessed at 3:13 p.m. to later in the meeting. President Steitz advised he would leaving shortly due to a prior commitment.

**(2:00 P.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY )**

The Redevelopment Agency convened at the hour of 3:15 p.m. in the Council Chambers, City Hall.

**APPROVE MINUTES OF MARCH 2, 1999 )**

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the minutes of March 2, 1999, approved as submitted.

**(“A”) WORKSHOP ON REDEVELOPMENT )**

Director Fitzpatrick noted a presentation would be made on the various aspects of redevelopment with the primary focus being the establishment of new project areas since this was a timely topic with the four current project areas, and reviewed the history of redevelopment and issues in the city.

Redevelopment Administrator Murphey explained the purpose of the workshop, noted all material to be covered was contained in the Council packet, and gave a brief overview of redevelopment concepts and definitions.

Cal Hollis, Managing Principal, Keyser-Marston, reviewed the physical and economic blight criteria prescribed by the state, and the 12-14 month plan adoption process. President Steitz left at 3:30 p.m. and was absent for the remainder of the meeting. Mr. Hollis, along with Mr. Fitzpatrick and City Manager Reid, responded to questions relative to what the RDA and City owed to each other, balance sheet on assets and liabilities, housing, **(7 - 0)** and preserving existing buildings.

Chair Ronquillo questioned the City Manager’s endorsement of material he submitted, with Mr. Reid stating he endorsed the conclusions reached that redevelopment had not achieved the goal of increasing income where it existed. Mr. Hollis responded to questions of Mr. Reid relative to the Central City Revitalization Area (specifically the corner of Shaw and Blackstone), and definition of blight and what was allowed under that definition, and to a question of Acting President Mathys relative to what redevelopment law allowed.

Councilmember Perea questioned the Agency’s philosophy and policy to be taken on redevelopment, and advised of his recent experience wherein concern was expressed with a proposal for a theater complex at Manchester and the impact it may have on a theater complex proposed for downtown, and expressed his concern with the philosophy of “downtown at any expense and heck with any other area”, noted there was much work to do in his district, and concluded stating the issue needed to be addressed and he wanted an answer real soon if not this date.

Mr. Hollis continued with his overview on economic blight and the plan adoption process, and along with City Attorney Montoy and Mr. Reid, responded to questions relative to powers of redevelopment, capturing increment, circumvention of public bidding, housing financing and powers of the Agency, requirements for 20% housing set aside funds, provisions for PAC’s and CAC’s, and owner participation agreements.

Lew Pond, Lew Pond Consulting, gave an overview of the activities and status of the Central City Revitalization Plan and adoption process (8 - 0), and along with Mr. Fitzpatrick, clarified issues and responded to questions of the Council and City Manager on process for all areas, financial analysis of area, and Barnes and Noble blight factors. Chair Ronquillo briefly commented on the South Fresno Industrial Area and the need to attract businesses.

Bruce O’Neil, Land Use Associates and Consultant to the RDA, highlighted the Southeast area, and along with Mr. Fitzpatrick and Keith Woodcock, Woodcock Planning, responded to questions of the Council and City Manager relative to the County’s position on the Jensen corridor, generating development in old warehouses for creation of jobs, a joint City/County Area, establishing another area along the 99 corridor and including a portion of Belmont Avenue, preparation of EIR’s, and incorporating new freeway openings and factoring increases in property taxes into EIR’s.

There was no further discussion and the Redevelopment Agency adjourned at 4:55 p.m.

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**CLOSED SESSION:**

- (A.) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - )  
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT )  
EXPOSURE TO LITIGATION: )  
1. CLAIMS OF JOHN BILBO AND ANTHONY ZAMORA )  
2. CLAIM OF THOMAS GRISSE )  
3. CLAIMS OF JOSE SOTO AND ALFREDO SOTO )  
4. CLASS ACTION LAWSUIT AGAINST AT&T CORPORATION )

The City Council reconvened in closed session in Room 2125 at the hour of 5:07 p.m. to consider the above issues.

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## CLOSED SESSION ANNOUNCEMENTS

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City Attorney Montoy announced Council voted to deny the following claims by a vote of 4-3, with Councilmembers Bredefeld, Perea and President Steitz absent: #3: Claims of Jose Soto and Alfredo Soto, for \$1 million for alleged violation of civil rights by a Police Officer, including false arrest and detention; #2: Claim of Thomas Grisso, for \$1 million for failure to provide protection at the scene of an accident on 8/15/98; and #1: Claims of John Bilbo and Anthony Zamora, for \$250,000 each, for detainment at Roeding Park by the Police Department on 2/22/98, violation of civil rights, false arrest, harassment, and intentional affliction of emotional distress.

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## ADJOURNMENT

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There being no further business to bring before the Council, the hour of 5:25 p.m. having arrived and hearing no objections, Acting President Mathys declared the meeting adjourned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
ATTEST:

Chris Mathys, Acting President

Yolanda Salazar, Assistant City Clerk



**133-157**

**3/16/99**